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CITY OF BERKELEY

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 (SAN FRANCISCO DIVISION)

13 FRANK CISNEROS, BEATRICE
14 CISNEROS, and KASI CISNEROS,

15 Plaintiffs.

16 v.

17 SGT. T. CURTIN, DET. G. PON,
18 OFFICER J. LUNA, OFFICER K.
19 DEBLASI, OFFICER J. LOUIS,
20 OFFICER R. ONCIANO, and DOES 1
21 through 50,

22 Defendants.

Case No. C 07-02788 (JCS)

STIPULATION AND ORDER TO FILE FIRST
AMENDED COMPLAINT

23 STIPULATION

24 IT IS HEREBY STIPULATED BETWEEN the parties that plaintiffs herein may file the
25 attached First Amended Complaint (FAC) adding the claims made in a currently pending tandem
26 state court lawsuit entitled, *Frank Cisneros, Kasi Cisneros and Beatrice Cisneros vs City of*
27 *Berkeley, Alameda County Superior Court #RG06 281589*. The FAC consolidates this lawsuit
28 against the individual police officer defendants (filed on April 17, 2007) with the tandem state
court lawsuit (filed on July 28, 2006) against the City of Berkeley (arising out of the same
incident). Therefore, the parties hereby agree that for the purposes of the statute of limitations,
the attached FAC will be deemed to have been filed as of (1) July 28, 2006 as to the City, and (2)

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1 April 17, 2007 as to the individual officer defendants Further, once the FAC is filed, plaintiffs
2 hereby agree to dismiss the tandem state court case pending in Alameda County.

3 Additionally, the parties stipulate that the answers filed on May 29, 2007 and August 8,
4 2007 in this case and the answer filed in the tandem state court case shall be deemed to serve as
5 the answers to the First Amended Complaint in this case.

6 I agree to the foregoing Stipulation.

7 MANUELA ALBUQUERQUE, CITY ATTORNEY
8 MATTHEW J. OREBIC, DEPUTY CITY ATTORNEY

9 Dated: August 27, 2007.

10 By _____ /s/
11 Matthew J. Orebic
12 Attorney for Defendants SGT. T. CURTIN,
13 OFFICER G. PON, OFFICER J. LUNA, OFFICER K.
14 DEBLASI, OFFICER F. ONCIANO, AND SGT. J. LOUIS

15 I agree to the foregoing Stipulation

16 LAW OFFICES OF JOHN E. HILL

17 Dated: August 27, 2007.

18 By _____ /s/
19 John E. Hill
20 Counsel for Plaintiffs FRANK CISNEROS,
21 BEATRICE CISNEROS, AND KASI CISNEROS

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: _____

24 _____
25 JOSEPH C. SPERO
26 United States District Judge
27
28